

AM9-99-0239
09/634,546REMARKS

This amendment is in response to the Examiner's Office Action dated 6/27/2005. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow. A minor amendment has been made to claims 1 and 27 to correct a typographical error (applicants have changed "therefore" to "thereof") without adding new matter.

STATUS OF CLAIMS

Claims 1, 3-16, 21 and 23-28 are pending.

Claims 1, 3-16, 21 and 23-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sandhu et al. (USPA 2003/0033212).

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention provides an improved method of surveying prices located across an e-commerce environment (e.g., goods available in an auction, online catalog, or electronically connected supply center). The prior art has many systems which go out on the web and look-up prices and return the prices to the buyer. However, suppose a "small business" wanted to negotiate the absolute best price from various sources on 50 printers, but chooses not to reveal its identity for fear of an associated cost mark-up or lower discount; the present invention allows the use of sophisticated buyer profiles (previously created over time and recognized by the seller as such) to get the best quote. In this scenario, the sophisticated buyer profile may be disguised to look like a very large business to optimize a volume discount and you and the next buyer and the next buyer could use this large business profile to continuously get the best prices. The seller only thinks that a large business is purchasing large quantities of printers,

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and gives a maximum discount without ever knowing that in fact the repeated buying history is performed by many smaller businesses. The present invention further will complete the purchase without ever revealing to the seller the true identity of the purchaser.

Another feature of the current invention is a method to uncover price structures, for example, to the airfare market. Airlines do not publish their fare structure. They do not make it clear how the fare depends on the time of the day, the day of the week and the date. The buyer tells the desired time of travel and the airline returns a fare. Airline fares are repeatedly probed by the present system for uncovering such structures. It then suggests to the buyers how money can be saved by changing the requested time of the day, day of the week, etc.

The present invention provides for a system and method facilitating transactions between buyers and sellers in an electronic commerce (e-commerce) model. When an item of interest is selected, the system scours the Internet to find the lowest price available for the desired product or service. Based on posted prices, bid prices, posted quotes, quoted prices, and auctions, the present invention ascertains wholesale prices and offers "advice" about the desired product or service. From the collected wholesale prices, reference points are generated that allow a system to determine whether a particular vendor's pricing is reasonable. Reference points allow a user to be directed to those vendors typically having the lowest wholesale prices.

Furthermore, to enhance a competitive e-commerce marketplace, anonymous and fictitious user profiles comprising identities and reputations as sophisticated buyers are created to survey prices quoted by vendors. In this manner, statistical distributions based on prices anonymously gathered by the system are generated such that an individual buyer can compare the

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quote or price they receive from a vendor with those regularly observed by the system. The system also obtains specific quotes on behalf of a buyer using a fictitious name and identity. To preserve the anonymity of an individual buyer, an option to receive a shipment of the desired product at location different from that of the buyer is also provided.

REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1, 3-16, 21 and 23-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sandhu et al. (USPA 2003/0033212). To be properly rejected under 35 U.S.C. § 102(e), each and every element of claims must be disclosed in a single cited reference. Sandhu et al., however, fail to anticipate or render obvious many of the claimed elements.

Sandhu et al. teach a system and method that enables users, such as "Members" (e.g., institutional investors) and "Providers" (e.g., banks, financial institutions), to engage in capital market transactions, including the trading of over-the-counter financial products, via the Internet (including the World Wide Web). Sandhu et al.'s system includes a variety of servers, applications, and interfaces that enable users to interactively communicate and trade financial instruments among one another and to manage their portfolios. In Sandhu's system, automated communications enable connectivity with users' internal, back-end systems to execute automated, straight-through processing, including transaction pricing, payment scheduling and journaling, derivatives trading, trade confirmation, and trade settlement. Such communications are facilitated using a XML-based syntax ("FinXML") and XSL-based processing language ("FinScript"). FinXML provides a standard data interchange language for capital market transactions and supports a broad set of elements and attributes that represent a wide variety of financial transactions, reference data, and market data.

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The examiner, in the office action of 6/27/2005, cites paragraphs 207, 208, 244, and 1734-1740 of the Sandhu et al. reference as teaching all the limitations of applicants' pending claims, except claim 27. Applicants respectfully disagree with the examiner's assertion. Further, applicants wish to note that the office action of 6/27/2005 fails to specifically address the rejection of claim 27. Applicants respectfully request the examiner to clarify and address the rejection with respect to claim 27 in the next office action.

Paragraph 207 of Sandhu et al. outlines the steps involved in the submission of a "member's pricing request." Sandhu et al., in paragraph 207, further state that during the submission of pricing requests, the member's identity does not have to be disclosed. Applicants contend that paragraph 207 of Sandhu et al. merely discloses that a user can remain anonymous during the submission of a pricing request.

Paragraph 208 of Sandhu et al. outlines "negotiations" involved in picking the right offer among a plurality of offers (that are put forth by a plurality of providers in response to the member's pricing request).

Paragraph 244 of Sandhu et al. re-emphasizes the anonymous user limitation described in paragraph 207. Specifically paragraph 244 of Sandhu et al. describe the use of an undisclosed party element 835 allowing a member to remain anonymous to other parties in a transaction, wherein the only information that is disclosed is the member's credit rating.

Paragraphs 1734-1740 describe the "continuous pricing auction" embodiment of Sandhu et al. wherein "customized, continuous, price quotes specific to a particular customer" are

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provided. Sandhu et al., in paragraph 1734, specifically clarify that the “system provides the quotes to a particular customer based on the customer’s profile criteria, for example, particular types of financial products for which the customer chooses to receive price quotes, and particular banks from which the customer choose to receive such quotes.” Paragraph 1735 further emphasizes that the continuous pricing auction system is “with respect to a particular customer.” Paragraphs 1736-1737 outline how the continuous pricing auction embodiment is used in conjunction with a customer’s credit rating. Paragraphs 1738-1739 outline the functionality of the “pricing server 9700” that displays the best offers (with respect to a price quote) to the customer. Paragraph 1740 is merely a title for the “best price” rules as per Sandhu et al., wherein the rules are used to highlight relevant price quotes.

Conspicuously absent in the examiner’s citations and the entire Sandhu et al. reference is a teaching or suggestion for “one or more automated surveyors” surveying posted prices, bid prices, posted quotes, quoted prices, and auctions, a limitation of claim 1. It appears that the examiner is equating the limitation of “customized, continuous price quotes” in the “continuous pricing auction” embodiment of Sandhu et al. (described in paragraphs 1734-1739) to applicants’ “automated surveyors.” But, as mentioned earlier, such customized, continuous price quotes in Sandhu et al. are “specific to a particular customer”. In stark contrast, at least one of the automated surveyors of claim 1 uses an anonymous buyer profile representative of a sophisticated buyer developed based on historical usage – a limitation that is neither taught nor suggested by the Sandhu et al. reference.

Hence, applicants contend that the cited paragraphs fail to disclose an anonymous buyer profile that is used multiple times to develop historical usage representing a sophisticated buyer.

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Absent such a showing, it is respectfully submitted that the Sandhu reference cannot anticipate or render obvious applicants claim 1. Applicant further contends that the profile of Sandhu et al. is user-specific. The anonymous buyer profile of the present invention, on the other hand, is built and developed by the system based upon historical usage, wherein, at a later point, various users are matched with appropriate buyer profiles (wherein the users are able to use appropriate profiles to purchase products anonymously). In other words, the anonymous buyer profile of the claimed invention is not associated with a particular user.

The examiner's office action also lacks any specifics with respect to where in the Sandhu et al. reference a teaching can be found with regards to the limitations of using anonymous buyer profiles to develop sophisticated buyers and, based on discovered prices, notifying a seller regarding competitors (offering a better price) and influencing sellers to lower prices—limitations of independent claim 12. Absent such a showing, it is respectfully submitted that the Sandhu reference cannot anticipate or render obvious applicants claim 12.

As mentioned earlier, Sandhu et al. merely teach a system and method that enables users, such as "members" (e.g., institutional investors) and "providers" (e.g., banks, financial institutions), to engage in capital market transactions, including the trading of over-the-counter financial products, via the Internet (including the World Wide Web). In stark contrast, the method of claim 12 teaches the development of a sophisticated buyer profile which is then used to inform sellers of lower prices quoted by competitors and advises them to consider lowering their prices (i.e., influencing them to lower prices) — limitations that are neither taught nor suggested by the Sandhu et al. reference.

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With respect to independent claim 21, the examiner contends that the above-mentioned citations (i.e., paragraphs 207, 208, 244, and 1734-1740) in the Sandhu et al. reference anticipate the limitations of "generating fictitious user names", "requesting price quotes using said fictitious name(s)", and "building reputation of said fictitious name(s) as sophisticated buyer(s)". As mentioned above, the citations merely mention that a user can remain anonymous during the submission of a pricing request. Applicants are unaware how the examiner is equating such anonymity with limitations such as "generating fictitious user names", "requesting price quotes using said fictitious name(s)", and "building reputation of said fictitious name(s) as sophisticated buyer(s)". Applicants respectfully contend that such limitations are neither taught nor suggested by the Sandhu et al. reference.

As mentioned above, the office action of 6/27/2005 fails to specifically address the rejection of claim 27. Applicants respectfully request the examiner to clarify and address the rejection with respect to claim 27 in the next office action. The following response to claim 27 is based on the entire Sandhu et al. reference.

Applicants respectfully contend that the entire Sandhu et al. reference fails to teach or suggest "computer readable program code comprising one or more automated surveyors" surveying posted prices, bid prices, posted quotes, quoted prices, and auctions, a limitation of claim 27. As mentioned above, the limitation of "customized, continuous price quotes" in the "continuous pricing auction" embodiment of Sandhu et al. (described in paragraphs 1734-1739) cannot be equated to applicants' "automated surveyors." Also, as mentioned earlier, such customized, continuous price quotes in Sandhu et al. are "specific to a particular customer". In

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stark contrast, the computer readable program code of claim 27 uses an anonymous buyer profile representative of a sophisticated buyer developed based on historical usage – a limitation that is neither taught nor suggested by the Sandhu et al. reference.

Hence, applicants contend that the Sandhu et al. reference fails to disclose computer readable program code comprising an anonymous buyer profile that is used multiple times to develop historical usage representing a sophisticated buyer. Absent such a showing, it is respectfully submitted that the Sandhu reference cannot anticipate or render obvious applicants claim 27. Applicant further contends that the profile of Sandhu et al. is user-specific. The anonymous buyer profile of the present invention, on the other hand, is built and developed by the system based upon historical usage, wherein, at a later point, various users are matched with appropriate buyer profiles (wherein the users are able to use appropriate profiles to purchase products anonymously). In other words, the anonymous buyer profile of the claimed invention is not associated with a particular user.

With regard to dependent claims 3-11, 13-16, 23-26, and 28, the aforementioned arguments made for independent claims substantially apply in that they inherit limitations of the claims upon which they depend.

Hence, applicants contend that many of the claim limitations of the pending claims are neither anticipated nor rendered obvious by the Sandhu et al. reference.

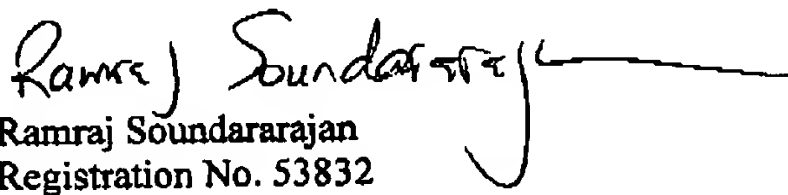
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09/634,546SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this amendment has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0441.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,


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September 27, 2005